



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

# RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN

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**INDEX TO****RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN**

<b>RULE</b>		<b>PAGE No.</b>
	SUMMARY OF TIME LIMITS	3
1	APPLICATION OF RULES	5
2	DEFINITIONS	5
3	CONDUCT AT MEETINGS	7
4	INTERPRETATION OF RULES	7
5	CHAIRING OF MEETINGS	7
6	NOTICE OF COUNCIL MEETINGS	8
7	QUORUMS	9
8	AGENDA	9
9	ORDER OF BUSINESS OF AN ORDINARY COUNCIL MEETING	9
10	ATTENDANCE AND LEAVE OF ABSENCE	10
11	MAYORAL ADDRESS	11
12	REPORTS	11
13	REPORT OF THE MAYOR	12
14	LEGAL AND FINANCIAL CONSTRAINTS	12
15	DECISIONS AND VOTING	12
16	DEBATE MANAGEMENT	13
17	MINUTES	14
18	MOTIONS	15
19	URGENT MATTERS	16
20	DISALLOWED MOTIONS AND PROPOSALS	16
21	MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE SPEAKER	16
22	QUESTIONS	16
23	RECONSIDERATION OF RESOLUTIONS	18
24	AMENDMENTS TO RECOMMENDATIONS	18
25	PRECEDENCE OF SPEAKER	19
26	COUNCILLOR TO SPEAK ONCE ONLY	20
27	RELEVANCE	20
28	IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER	20
29	REMOVAL OR EXCLUSION OF COUNCILLOR	20
30	DISORDERLY CONDUCT AND MAINTENANCE OF ORDER	21
31	POINTS OF ORDER	21
32	POINTS OF CLARITY	22
33	PROCEDURAL MOTIONS	22
34	MEETINGS OPEN TO THE PUBLIC AND MEDIA	23
35	INVITATION TO ADDRESS COUNCIL	23
36	DRESS CODE	23

## SUMMARY OF TIME LIMITS

### RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN

<b>RULE 6: NOTICE OF MEETINGS</b>	<p><b>Rule 6.3</b> Municipal Manager to give 72 hours' notice of Council meetings and/or Special Council meetings to approve Annual Budget</p> <p><b>Rule 6.4</b> Speaker to give 7 working days' notice for Council meetings to consider By-Laws;</p> <p><b>Rule 6.6</b> Urgent meetings 24 hours' notice (Speaker determines urgency Rule 6.7)</p>
<b>RULE 7: QUORUMS</b>	<p><b>Rule 7.2</b> if no quorum meeting to be suspended for no more than 30 minutes, still no quorum meeting adjourned to another time, date etc.</p>
<b>RULE 10: ATTENDANCE AND LEAVE OF ABSENCE</b>	<p><b>Rule 10.3</b> member leaving during the meeting due to urgent matter must personally advise Speaker and submit an application for leave within 14 days after the event</p> <p><b>Rule 10.6.3</b> leave of absence is granted when notice of meeting has been delivered less than 72 hours before commencement of meeting and where the Municipal Manager has received such member's change of address at least 7 days before the relevant meeting</p>
<b>RULE 11: MAYORAL ADDRESS</b>	<p><b>Rule 11.2</b> at the conclusion of the Mayoral address Speaker must allow 20 minutes for questions and answers</p>
<b>RULE 15: DECISIONS AND VOTING</b>	<p><b>Rule 15.2</b> bell to be rung 1 minute before vote is taken</p>
<b>RULE 16: DEBATE MANAGEMENT</b>	<p><b>Rule 16.1</b> Chief Whip of Council to provide Speaker with speakers list 24 hours prior to Council meeting</p> <p><b>Rule 16.1.2</b> maximum debating time for each item is 30 minutes; cut off time for Council meeting is 17:00</p> <p><b>Rule 16.1.5</b> minor changes to speakers not accepted if submitted less than 2 hours before commencement of Council meeting</p> <p><b>Rule 16.5</b> Mayor or relevant MMC, or mover of a motion permitted 5 minutes' response at conclusion of debate of an item or motion</p>
<b>RULE 17: MINUTES</b>	<p><b>Rule 17.7</b> audio recordings of all meetings of Council to be kept for 5 years</p>
<b>RULE 18: MOTIONS</b>	<p><b>Rule 18.1.2</b> motion to be received 10 working days prior to meeting at which such motion is to be debated</p> <p><b>Rule 18.6</b> motion to rescind or amend a resolution of Council taken within the 3 preceding months or a motion with the same purport as a motion which was not supported within the preceding 3 months shall not be entertained</p>
<b>RULE 19: URGENT MATTERS</b>	<p><b>Rule 19.2</b> Speaker to determine period of time available for discussion of any urgent matter</p>
<b>RULE 22: QUESTIONS</b>	<p><b>Rule 22.2</b> question may not be re-submitted if question was considered during previous 3 months</p> <p><b>Rule 22.10</b> answers to questions communicated in writing to members within 2 months of date of</p>

	<p>receipt of such questions</p> <p><b>Rule 22.12</b> questions not answered within 60 calendar days from date of submission to automatically appear on agenda of next Council meeting</p>
<b>RULE 24: AMENDMENTS TO RECOMMENDATIONS</b>	<p><b>Rule 24.2</b> mover of an amendment to speak thereon for not more than 2 minutes</p> <p><b>Rule 24.4</b> member may not move more than 1 amendment to a recommendation, motion or proposal</p>
<b>RULE 26: COUNCILLOR TO SPEAK ONCE ONLY</b>	<b>Rule 26.1</b> no member permitted to speak more than once on any recommendation, motion or proposal with exception of Mayor or Member who has moved an amendment who may reply in the conclusion of debate
<b>RULE 28: IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER</b>	<b>Rule 28.1</b> after 2 warnings and a final warning during the deliberations of a Council meeting, disciplinary action may be taken in terms of Rule 29
<b>RULE 29: REMOVAL OR EXCLUSION OF COUNCILLOR</b>	<b>Rule 29.2</b> members who refuse to comply with directions of Speaker in terms of Rule 28 may be excluded from Council meetings for a period determined by Council not exceeding 30 days
<b>RULE 31: POINTS OF ORDER</b>	<b>Rule 31.1.4</b> a member may not address Speaker for longer than 2 minutes on a point of order
<b>RULE 32: POINTS OF CLARITY</b>	<b>Rule 32.1.2</b> a member may not address Speaker for longer than 1 minute on a point of clarity

## **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF THE MUNICIPAL COUNCIL OF THE CITY OF CAPE TOWN**

### **1. APPLICATION OF RULES**

- 1.1 These Rules of Order apply to the meetings of the Council of the City of Cape Town as established in terms of section 12 of the Act.
- 1.2 These Rules shall not apply to Subcouncils and Ward Committees which are governed by their own Rules of Order or the Conduct and Guidance Committee which is governed by the Rules of Natural Justice or to the committees of Council established in terms of section 79 and 80 of the Act, 1998.
- 1.3 Rules of Order are aimed to allow for a free and constructive debate during Council meetings, bearing in mind the large number of Members of Council. These Rules are aimed to promote freedom of expression in such a manner as to allow for orderly debate by as large a number of Members as is possible within reasonable time constraints. They acknowledge that political parties which may want to address political issues, which may not be on a Council agenda, must receive preference in order to ensure the proper delivery of services. The Rules endeavour to create an opportunity for Members of Council to air their views on other matters of public importance.
- 1.4 These Rules remain in force until amended or rescinded by Council.
- 1.5 Any reference to the masculine gender in these rules shall include the feminine and the singular shall include the plural, and vice versa.

### **2 DEFINITIONS**

In these Rules, unless inconsistent with the context:

“Act” means Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

“Chamber” means the regular meeting place of Council which is currently situated at the 6<sup>th</sup> Floor, Podium Block, Civic Centre, Cape Town;

“Chief Whip” means the person elected as Chief Whip of Council;

“Committee” means a Committee of the Municipal Council of the City of Cape Town established in terms of Section 79 or 80 of the Act;

“Council” means the Municipal Council of the City of Cape Town;

“Conduct and Guidance Committee” means a committee established in terms of Schedule 1 Code of Conduct for Councillors in the Systems Act;

“Mayor” means the Executive Mayor of Council;

“Mayoral Committee” means the Mayoral Committee of Council;

“Meeting” means any Municipal Council meeting regulated or imposed in terms of section 29 of the Act;

“Meeting Place” means the venue where a particular meeting of Council takes place;

“Member” means a Councillor of the Municipal Council of the City of Cape Town;

“Misconduct” in these Rules of Order, except a breach of the Code of Conduct contained in schedule 1 of the Local Government: Municipal Systems Act, No 32 of 2000, means a breach of the Rules of Council in respect of the maintaining of dignity and the causing of unwarranted disruption of business at Council meetings;

“MMC” means a member of the Mayoral Committee;

“Motion” means a matter submitted by a member in terms of Rule 18;

“Municipal Manager” means the person appointed in terms of Section 54A of the Act and as mentioned in the Local Government: Municipal Structures Act No. 117 of 1998 and regulations;

“Officer” means a member of the VIP Protection Unit;

“Ordinary Meeting” means a meeting in terms of Rule 6.1;

“Party Whip” means a member designated by the leadership of a party to oversee and guide the conduct of its members in relation to Rules of Order of Council and the dignity and business of Council as well as to perform the functions described in Rule 16 of the Rules of Order;

“Political Party” means a political party registered in terms of the Electoral Act, 1998;

“Procedural Motion” means a matter raised by a member at a meeting in terms of Rule 33;

“Speaker” means the member elected in terms of Section 36 of the Act;

“Special Meeting” means a meeting in terms of Rule 6.2, 6.4 or 6.6;

“Systems Act” means the Local Government Municipal Systems Act, No 32 of 2000;

### **3 CONDUCT AT MEETINGS**

The Speaker must:

- 3.1 perform the function determined in Section 37 of the Act, and as provided for in these Rules;
- 3.2 maintain order during meetings;
- 3.3 ensure compliance with the Code of Conduct for Councillors at meetings;
- 3.4 ensure that meetings are conducted in accordance with these Rules;
- 3.5 ensure that any person refusing to comply with his/her ruling leaves the meeting place immediately when ordered to do so;
- 3.6 ensure that members conduct themselves in a dignified and orderly manner;
- 3.7 ensure that members of the public are seated during meetings of the Municipal Council in areas designated for that purpose by the Municipal Manager;
- 3.8 ensure that members of the public attending any meetings of the Council conduct themselves in an orderly manner and obey any ruling made by the Speaker;
- 3.9 ensure that each Party Whip or Chief Whip is responsible for maintaining discipline of his / her party's members during the Council's meeting. Failure by any such Party Whip to take appropriate action may be dealt with in terms of Rule 3.3 hereof.

### **4 INTERPRETATION OF RULES**

The ruling of the Speaker in regard to the application or interpretation of these Rules and other procedural matters not dealt with in the Rules of Order is, once he/she has given his/her reasons, final and binding.

### **5 CHAIRING OF MEETINGS**

- 5.1 The Speaker is the Chairperson of meetings of the Council and chairs the meeting.
- 5.2 Should the Speaker not be present at a meeting, an Acting Speaker must be elected for that meeting from the members present.
- 5.3 Should the Speaker be present at a meeting but it is necessary for the Speaker to absent him/herself during the meeting, then the Speaker must appoint an acting chairperson for the duration of his absence at that meeting from the members present.



## **6 NOTICE OF COUNCIL MEETINGS**

- 6.1 The Speaker must determine the date, time and venue of meetings of the Council, and must ensure that such meetings take place at least quarterly.
- 6.1.1 The Speaker may call quarterly meetings of Council at which questions to the Mayor which have been submitted by members are verbally answered by the Mayor.
- 6.2 A separate Special Meeting of Council must be called to approve the municipality's Annual Budget.
- 6.3 The Municipal Manager must give at least 72 hours' notice of the meetings referred to above, to enable members to prepare adequately.
- 6.4 When the Council meets as a legislative body to consider By-laws, the Municipal Manager must give 7 working days' notice of this meeting to all members of the Council.
- 6.5 The fact that any member(s) has/have not received notice of a meeting in accordance with these Rules will not affect the validity of any proceedings of that meeting.
- 6.6 In the case of any urgent meeting, the notice period must be at least 24 hours.
- 6.7 The Speaker determines whether any meeting is urgent or not.
- 6.8 The Speaker may at any time convene a special meeting of the Council on a date, time and venue determined by him or her.
- 6.9 The Speaker must, if a majority of the councillors of the Council requests him or her in writing to convene a Special Council Meeting
- 6.9.1 convene a Special Council Meeting on a date set out in the request and at a time and venue determined by him or her;
- 6.9.2 supply a copy of the request to the Municipal Manager.
- 6.10 As soon as the Speaker has determined the date, time and venue of a Special Council Meeting, he or she must inform the Municipal Manager thereof.
- 6.11 A request to call a special meeting must set out the matter to be dealt with at that Special Council Meeting. No business other than that specified in the notice convening a Special Council Meeting or set out in the request referred to in Rule 6.9 may be dealt with at a Special Council Meeting.
- 6.12 Should the Speaker fail to convene a Special Council Meeting in terms of Rule 6.9 the Municipal Manager must convene the meeting at the date set out in the request and at a time and venue determined by him or her.
- 6.13 Should circumstances warrant, the Speaker may direct that the Council may meet at a place other than the Council Chamber.

## **7 QUORUMS**

- 7.1 The quorum for a meeting of the Council is a majority of its members.
- 7.2 Whenever there is no quorum, the meeting must be suspended for no more than 30 minutes, and if at the end of that period there is still no quorum, the Speaker may adjourn the meeting to another time, date and venue at his/her discretion.

## **8 AGENDA**

- 8.1 Subject to Rules 8.2 and 9.2, all meetings must be conducted according to the order in which the matters appear on the agenda before a Council, and only matters, which are on the agenda, may be debated.
- 8.2 The Municipal Manager may direct that any matter be entered into the confidential part of the Council's agenda. Such matter must not be disclosed to any person other than those who receive it in their official capacity, and such matter must be debated in a closed meeting of the Council.
- 8.3 The Speaker may, after considering suitable motivation, direct that a matter be moved between the confidential and open agendas.

## **9 ORDER OF BUSINESS OF AN ORDINARY COUNCIL MEETING**

- 9.1 The order of business of an ordinary meeting convened in terms of Rule 6.1 shall be as follows:
  - 9.1.1 Opening;
  - 9.1.2 Opportunity for silent prayer or meditation;
  - 9.1.3 Mayoral address;
  - 9.1.4 Applications for leave of absence;
  - 9.1.5 Announcements by the Speaker;
  - 9.1.6 Official notices and urgent matters raised by the Municipal Manager in terms of Rule 19.1;
  - 9.1.7 Minutes of the previous meeting(s);
  - 9.1.8 Report of the Mayor which includes:
    - 9.1.8.1 Recommendations to the Council,
    - 9.1.8.2 Decisions under delegated authority, if applicable;

9.1.8.3 Schedule of decisions of the Mayor, together with the MMCs in terms of Section 60(3) of the Act;

9.1.9 Questions in terms of Rule 22.12;

9.1.10 Motions or proposals deferred from previous meetings;

9.1.11 New motions;

9.1.12 Any other matter not contained in the Notice of the Meeting at the discretion of the Speaker;

9.1.13 Matters for noting to be included on the agenda. Matters for noting are not subject to debate.

9.2 After the matters referred to in Rules 9.1.1 to 9.1.4 have been considered, the Speaker may in his discretion bring forward any business which is on the agenda.

9.3 The agenda format is subject to change at the discretion of the Speaker.

## **10 ATTENDANCE AND LEAVE OF ABSENCE**

10.1 Every member attending a meeting must register his/her attendance either manually or electronically depending on which system is in use i.e. electronic registration or attendance register.

10.2 A member must attend each Council meeting of which he/she is a member, except when

10.2.1 leave of absence is granted by the Chief Whip in terms of Council's System of Delegations;

10.2.2 that member is required by law to withdraw from a meeting.

10.3 Application for leave of absence (both partial or full) from a meeting of the Council must be addressed to the Chief Whip in terms of Part 4 Delegation 1(1) of the Council's System of Delegations, on the prescribed form to be signed and dated by the member. In the event of the member having to leave during the meeting due to some urgent matter e.g. death of someone or some other incident, the member is to personally advise the Chief Whip of Council before leaving and submit an application within 14 days after the event.

10.4 The Chief Whip of Council may only consider applications for leave of absence which are in writing with the exception of incidents or urgent matters which are dealt with as set out in Rule 10.3 above. Applications for leave of absence which are not in writing may not be considered.

10.5 Notwithstanding Rule 10.2 above, applications for leave of absence from a meeting are deemed to have been granted if:

- 10.5.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
  - 10.5.2 if the Council or Mayor requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of Schedule 1 to the Systems Act, or the member recuses himself or herself.
- 10.6 The Chief Whip of Council may, subject to Rules 10.2 and 10.3 above, grant leave of absence to a member for the following reasons:
- 10.6.1 illness of the member;
  - 10.6.2 essential business or personal commitments, or personal circumstances of the member.
  - 10.6.3 non-delivery of the notice of a meeting, or delivery of the notice of a meeting less than 72 hours before its commencement, provided that this will not apply to an ordinary meeting of the Council or when the member has moved and failed to inform the Municipal Manager at least 7 days before the relevant meeting of the revised address for the delivery of documentation;
  - 10.6.4 When the member is not permitted to attend the meeting due to circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act;
  - 10.6.5 Any other circumstances where the member is prevented from attending the meeting.

## **11 MAYORAL ADDRESS**

- 11.1 After the meeting is opened by the Speaker, but before any matters on the agenda are dealt with, the Mayor may address the meeting on any matter, whether it is on the agenda or not, which he/she deems appropriate. During the Mayoral address no points of order or debate shall be allowed.
- 11.2 At the conclusion of the Mayoral address the Speaker will allow for a maximum of 5 oral questions, one per member, in the order to be determined at the Whip's meeting. Each question may only be 1 minute. There are no points of clarity in this portion of the agenda. Any question arising out of the address may be replied to by the Mayor or, if directed by the Mayor, by any other member of the Mayoral Committee.

## **12 REPORTS**

The Council may not take any decision unless it has before it sufficient information as determined by the Speaker to take an informed decision. Except in exceptional circumstances, such information must be in a written report.

### **13 REPORT OF THE MAYOR**

- 13.1 A report of the Mayor shall contain the following matters:
- 13.1.1 recommendations to Council (where the Mayor has no delegated authority)
  - 13.1.2 a schedule of decisions by the Mayor under his/her delegated or statutory authority, and
  - 13.1.3 a schedule of decisions by the Mayor together with members of the Mayoral Committee in terms of Section 60(3) of the Act.
- 13.2 The Speaker shall permit debate on the matters referred to in Rule 13.1.1 above, in accordance with Rule 16 of these Rules.

### **14 LEGAL AND FINANCIAL CONSTRAINTS**

The Council may only take such decisions as it is legally and financially competent to do and all reports submitted in an agenda or made orally must make reference to legal and financial implications.

### **15 DECISIONS AND VOTING**

- 15.1 Subject to the provisions of Rule 15.2 all decisions must be taken by a majority vote of the members present at any meeting of the Council.
- 15.2 Before any vote is taken on any matter before the Council, the Speaker shall cause the bells to be rung for a period of 1 minute, after which all doors leading to the Council Chamber shall be closed and no Councillor or any other person shall be allowed to enter or leave the Council Chamber, and all Councillors must be seated while voting is in progress.
- 15.3 The following matters are determined by a decision taken by the majority of the members of the Council:
- 15.3.1 the passing of By-laws;
  - 15.3.2 the approval of budgets;
  - 15.3.3 the imposition of rates and other taxes;
  - 15.3.4 levies and duties;
  - 15.3.5 the raising of loans.
- 15.4 If the Speaker asks the meeting whether it is in agreement with the recommendation, and the recommendation is not opposed by any member present, the recommendation is adopted.
- 15.5 Where there is opposition to any proposal to be decided, voting must be by a show of hands or by means of an electronic voting system when available, unless otherwise resolved.

- 15.6 Only the number of members, and not the names of members voting for or against an item, is to be recorded in the minutes.
- 15.7 A member may abstain from voting without leaving the meeting place.
- 15.8 Any member may request that his dissent, abstention or support be recorded in the minutes of that meeting.
- 15.9 The Speaker must announce the decision of the Council taken in terms of Rules 15.4 or 15.5.
- 15.10 Should there be an equality of votes on any matter other than those listed in Rule 15.3.1 to 15.3.5, the Speaker must exercise a casting vote in addition to his vote as a Speaker.

## **16 DEBATE MANAGEMENT**

- 16.1 At least 24 hours prior to a meeting of Council, the Chief Whip of Council, after discussion with the Whips of other parties in Council, must provide to the Speaker a list showing:
  - 16.1.1 which items on the agenda for that meeting are to be debated;
  - 16.1.2 the total time to be allocated to the debate of each such item, bearing in mind that the cut-off time for the Council meeting will be 17:00 and the maximum time allocated to each item on the agenda will be 30 minutes. This does not limit the discretion of the Speaker to extend or limit the time allocated for debate on each item on the agenda, or to extend the closing time of the Council meeting, should circumstances so require;
  - 16.1.3 the names and time to be proportionally allocated to each political party that wishes to debate a particular item, as agreed to by the Whips, having due regard to the number of seats held by each party in Council. In the absence of agreement the Speaker will determine the times allocated to the respective parties.
  - 16.1.4 Unless there are exceptional cases, changes to the list of speakers, must be submitted to the Speaker prior to the commencement of the Council meeting.
  - 16.1.5 Should it be necessary to effect minor changes to the list of speakers during the Council meeting, such changes must be submitted by the relevant Party Whip(s) to the Chief Whip of Council who will submit such changes to the Speaker, provided that no minor changes will be allowed by the Speaker if submitted less than 2 hours before the Council meeting begins.

- 16.2 On receipt of the list referred to in Rules 16.1, the Speaker must, if he wishes to deviate from the provisions of those lists, convey his decision in this regard to the relevant Whips within a reasonable time prior to the Council meeting.
- 16.3 The Speaker shall in such instance restrict or extend the time allocated in a manner which is fair to all parties and shall, to the extent possible, give advance warning of such intention and of the extent thereof.
- 16.4 All matters before the Council not listed in Rule 16.1 must individually be put to the meeting for adoption without debates, before the matters listed in Rule 16.1 are considered.
- 16.5 At the discretion of the Speaker, he may allow 5 minutes of response to the Mayor or relevant MMC, or the mover of a motion, to conclude the debate on an item debated in terms of Rule 16.1.
- 16.6 All parties represented in Council have a right to speak on each item on the agenda relative to their representation in Council provided speaking time arrangements have been agreed to by the Chief Whip.
- 16.7 Notwithstanding anything contained in Rules 16.1 to 16.6, the Speaker may not, when exercising any discretion in terms of these Rules, prejudice any party in respect of time allocated in relation to any party. The Speaker's ruling after exercising his discretion in this regard shall be final.

## **17 MINUTES**

- 17.1 The Municipal Manager must ensure that all decisions of the Council are recorded in a minute book, and that decisions of the Council held in closed meeting are recorded in a separate minute book.
- 17.2 If a copy of the minutes of a meeting has been delivered to every Councillor, the minutes shall be taken as read with a view to confirmation.
- 17.3 No proposal or discussion shall be allowed on the minutes, except as to their accuracy.
- 17.4 The correctness of the minutes of the Council must be considered at its next meeting, failing which, at the following meeting.
- 17.5 The Municipal Manager must ensure that the names of members attending any meeting, of those members who are absent, as well as the names of those who have been granted leave of absence, are recorded in the minutes.
- 17.6 The Municipal Manager must ensure that the names of members who requested that their dissent, abstention or support be recorded during voting, are recorded in the minutes.
- 17.7 For administrative reference purposes, audio recordings of all meetings of the Council must be kept for a period of 5 years.

## **18 MOTIONS**

18.1 Subject to the provisions of any other law:

18.1.1 Every notice of motion shall be in writing in the form of a draft proposal and shall be submitted to the Speaker and such notice shall be signed by the member submitting it and by the member seconding it;

18.1.2 Subject further to Rule 18.5 below, notice of a motion shall not appear on an agenda, unless it is received at least 10 working days prior to such meeting; and

18.1.3 a motion shall lapse if the member who submitted it is not present at the meeting when such motion is being debated.

18.2 At the request of the member who gave notice of such motion, the Speaker shall acknowledge receipt thereof in writing.

18.3 Every motion shall deal with a matter in respect of which the Council has jurisdiction.

18.4 A member submitting a motion shall introduce such motion and shall have the right of reply thereto.

18.5 The Municipal Manager must when he receives a motion from the Speaker consider which of Council's political structures is legally competent to take the required decision and must refer the motion to the appropriate political structure for consideration.

18.6 When a member introduces a motion in terms of this Rule:

18.6.1 which is intended to rescind or amend a resolution passed by the Council taken within the preceding 3 months or;

18.6.2 which has the same purport as a motion which was not supported within the preceding 3 months;

such motion shall not be entertained.

18.7 When dealing with motions:

18.7.1 the motion shall be read out together with the number thereof and the name of the mover;

18.7.2 the Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and thereafter the Speaker shall call the opposed motions in their order on the agenda.



## **19 URGENT MATTERS**

- 19.1 The Municipal Manager may, in his / her discretion, raise any urgent matter for decision by Council. A matter is urgent when the decision required, if delayed, could prejudice Council or its operations.
- 19.2 The Speaker must determine an appropriate time during Council's deliberations when the Municipal Manager may raise urgent matters, and the Speaker must determine the period of time available for discussion of any urgent matter.

## **20 DISALLOWED MOTIONS AND PROPOSALS**

- 20.1 The Speaker may disallow a motion or proposal which:
- 20.1.1 may lead to the discussion of a matter already dealt with in the agenda, or which has no bearing on the administration of, or conditions in the Municipality; or
  - 20.1.2 advances arguments, expresses an opinion or contains unnecessary, incriminating, disparaging or improper suggestions, or in respect of which:
    - 20.1.2.1 the Council has no jurisdiction;
    - 20.1.2.2 a decision by a judicial or quasi-judicial body is pending; or
    - 20.1.2.3 which has not been duly seconded; or
  - 20.1.3 if passed, would be contrary to the provisions of these Rules of Order or of any other law or which Council is not financially or legally competent to approve provided that if such motion or proposal, in the opinion of the Council, justifies further investigation it shall be referred to the relevant Committee.

## **21 MOTION OR PROPOSAL AFFECTING A BY-LAW OR LAW TO BE REFERRED TO THE SPEAKER**

A motion or proposal, other than a recommendation of the Mayor, affecting the making or amendment of a By-law, shall, before the Council adopts a resolution thereon, be submitted to the Speaker for a report thereon.

## **22 QUESTIONS**

- 22.1 Any member may submit a written question relating to any matter in order to solicit views, intentions, explanations or information, which is related to and/or relevant to Council business and/or matters. The member must ensure that the written question is dated, signed and submitted to the Speaker's Office for consideration and referral to the Mayor.

- 22.2 The Speaker's Office will determine the format of questions and maintain quality control. The Speaker's Office reserves the right to refer the question back to the relevant councillor if their question does not meet these requirements.
- 22.3 The Speaker may refer questions back if the information requested is already publicly available.
- 22.4 The Mayor's Office may refer a question back to the Speaker's Office if it feels that the requirements have not been met where after the Speaker will review the question and refer it back or resubmit it accordingly.
- 22.5 The member must indicate whether he wishes to have the question answered in writing or verbally at the quarterly meeting of Council when questions to the Mayor will be heard and answered in terms of Rule 6.1.1.
- 22.6 No member may re-submit a question relating to any matter if that question was considered during the previous 3 months.
- 22.7 A question shall not contain any arguments, expression of opinion or inferences, accusations, epithets or controversial, ironical or offensive expression of hypothetical cases or seek legal opinion.
- 22.8 A member will be limited to one oral and one written question per Council meeting.
- 22.9 Reports and investigations:
- 22.9.1 A question shall not be asked seeking information in relation to an investigation that is underway, other than to determine the status of that investigation i.e. initiated, ongoing, close to completion or completed.
- 22.9.2 A question shall not be asked regarding the contents of any report resulting from a confidential or forensic investigation unless the disclosure of information necessary to answer such question is in accordance with the policy regarding the release of information contained in such a report.
- 22.9.3 A question shall not be asked in relation to matters that are legally privileged, that are the subject of ongoing legal proceedings or that are confidential, or if the disclosure of information necessary to answer such a question would result in the breach of the rights of, or a duty owed to, a third party.
- 22.9.4 No questions regarding matters on the confidential agenda will be permitted.
- 22.10 A question shall not refer to more than one subject and shall be brief and concise.

- 22.11 The Mayor may refer any question back to the Office of the Speaker for clarity and / or additional information from the questioner.
- 22.12 There shall be a Question record book, to be kept by the Speaker in which shall be recorded:
- 22.12.1 All Question(s) submitted by members during the month reflecting the date on which they were submitted to the Speaker, as well as the date on which they were transmitted to the Mayor's Office to answer the question;
- 22.12.2 Questions referred back by the Mayor and the reasons for their rejection;
- 22.12.3 Answers given to the Question.
- 22.13 Answers shall be communicated in writing to members within 2 months from the date of receipt of such questions.
- 22.14 On application from a member, members may view the Questions record book.
- 22.15 The Speaker must ensure that any questions to which answers have not been received within a period of 60 calendar days from the date of submission thereof, automatically appear on the agenda of the next Council meeting.
- 22.16 The Mayor must give a verbal response to a question referred to in Rule 22.15 at such Council meeting and/or may redirect the question to any member of Council to respond verbally at such meeting.
- 22.17 Should any questions be included on a Council agenda in terms of Rule 22.15, no decision will be taken by Council on any question on the date of the Council meeting on which such questions were raised or discussed in terms of this Rule.
- 22.18 Questions of clarity may only be offered during a debate and not once it has closed. Comments from the Mayor or his/her nominee will close the debate.

## **23 RECONSIDERATION OF RESOLUTIONS**

The Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

## **24 AMENDMENTS TO RECOMMENDATIONS**

24.1 An amendment which is moved:

24.1.1 must be relevant to the recommendation, motion or proposal on which it is moved;

- 24.1.2 shall be reduced to writing, signed by the mover and seconder, and handed to the Speaker;
- 24.1.3 may only be moved by a member while he is speaking on a recommendation, motion or proposal under debate.
- 24.2 A member who has moved an amendment may speak thereon for not more than 2 minutes, but the seconder shall not be allowed to speak thereon, and there shall be no right to reply.
- 24.3 More than one amendment may be moved to a recommendation, motion or proposal, and subject to Rule 24.9, all amendments which have been moved shall be put to the vote at the close of the debate upon such recommendation, motion or proposal.
- 24.4 No member shall move more than one amendment to a recommendation, motion or proposal.
- 24.5 If the Mayor or member or the mover of the original motion wishes to address the Council on any amendment moved to such recommendation, motion or proposal he / she may only do so during his reply.
- 24.6 The debate shall close when the Mayor or his/her nominee has replied thereto.
- 24.7 If more than one amendment to a recommendation, motion or proposal has been moved, such amendments must be put to the vote in the order in which they were moved.
- 24.8 Each amendment to a recommendation, motion or proposal must be clearly stated to the meeting by the Speaker before it is put to the vote.
- 24.9 If an amendment is carried, the amended recommendation, motion or proposal shall take the place of the original recommendation, motion or proposal in respect of which only further proposed amendments shall be put to the vote, provided that the Speaker may, if he is of the opinion that an amendment which has been carried renders another amendment unnecessary or pointless, rule that such other amendment need not be put, after which the latter amendment shall lapse.

## **25 PRECEDENCE OF SPEAKER**

- 25.1 Whenever the Speaker speaks, any member then speaking or offering to speak must be silent and the members shall be silent so that the Speaker may be heard without interruption.
- 25.2 A member addressing the Council shall do so by addressing the Speaker.

## **26 COUNCILLOR TO SPEAK ONCE ONLY**

- 26.1 Subject to provision to the contrary contained in these Rules, no member shall speak more than once on any recommendation, motion or proposal, provided that the Mayor or Member, in terms of Rules 13 or 24 above or mover, may reply in conclusion of the debate, but shall confine himself to answering to previous speakers and shall not introduce any new matter into the debate.
- 26.2 The Speaker shall permit the Mayor, MMC or chairperson of a Section 79 Committee who made a proposal in terms of Rule 13 or 24 to make an explanatory statement prior to the consideration of any particular item contained in the report of the Mayor or during the discussion of such report, in reply to a specific question.

## **27 RELEVANCE**

- 27.1 A member who speaks shall direct his speech strictly to the matter under discussion or to an explanation or point of order, and no discussion shall be permitted:
- 27.1.1 which will anticipate any matter on the agenda; or
- 27.1.2 in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

## **28 IRRELEVANCE, TEDIOUS REPETITION, UNBECOMING LANGUAGE AND BREACH OF ORDER**

- 28.1 The Speaker must call the attention of the member to irrelevant, tedious repetition, unbecoming language or any breach of order on the part of a member, and shall direct such member, if speaking, to discontinue his / her speech until the member has come to order. Such direction shall be regarded as a warning. Upon 2 warnings and a final warning during the deliberations of a Council meeting, the provisions of Rule 29 shall apply and the Speaker may decide to take disciplinary action against such member in terms of the Code of Conduct for Councillors.
- 28.2 The Speaker shall direct a member to apologise or withdraw an allegation if it is unbecoming or injures or impairs the dignity or honour of a member or officer of the Council.

## **29 REMOVAL OR EXCLUSION OF COUNCILLOR**

- 29.1 If a member refuses to comply with a direction in terms of Rule 28, the Speaker may direct an officer to remove the member or to cause his / her removal and to take steps to prevent his / her return to the meeting, provided that the Speaker may, in his / her sole and absolute discretion, permit the

return of the member to the meeting on the submission by the said member to the Speaker of a written expression of regret. Such expression of regret must be part of the minutes of the meeting.

- 29.2 The Council may exclude from the meetings of the Council for such period as it may determine but not exceeding 30 days, a member who wilfully obstructs the business of any meeting.
- 29.3 A proposal to exclude any person may be moved at any stage of the meeting.

### **30 DISORDERLY CONDUCT AND MAINTENANCE OF ORDER**

- 30.1 Members may not engage in disorderly conduct in the Chamber and Council's meeting places, including:
- 30.1.1 creating disorder or disruption in the Council;
  - 30.1.2 in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber who has been ordered to leave the Chamber;
  - 30.1.3 undermining the authority of the Speaker or refusing to obey rulings of the Speaker and interrupting the Speaker while the latter is addressing the Council;
  - 30.1.4 making allegations against a member without adequate substantiation or following the correct procedure;
  - 30.1.5 using or threatening violence against a member or other person; or
  - 30.1.6 acting in any other way to the detriment of the dignity, decorum or orderly procedure of the Council.
- 30.2 The Speaker may, at any time during a meeting, if he /she deems it necessary for the maintenance of order, direct an officer to remove or cause the removal of any person(s), including a member(s), from the meeting place, or order that the public gallery be vacated.

### **31 POINTS OF ORDER**

- 31.1 For the purpose of this Rule:
- 31.1.1 a point of order means any deviation of, or anything contrary to these Rules;
  - 31.1.2 a point of order may be raised at any stage of the meeting proceedings, except during the Mayoral Address, when the Speaker is ascertaining the presence of a quorum or during voting;
  - 31.1.3 the member raising a point of order must state the particular Rule, By-law or any other law that is alleged to have been breached or deviated from;

31.1.4 any point of order shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order shall not be permitted to address the Speaker for longer than 2 minutes on such point of order;

31.1.5 any member, whether he addressed the Council on the matter under debate or not, may raise his / her hand to a point of order.

31.1.6 a member contemplated in Rule 31.1.4, shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.

31.1.7 the ruling of the Speaker on a point of order shall be final and shall not be open to discussion.

## **32 POINTS OF CLARITY**

32.1 For the purpose of this Rule:

32.1.1 A point of clarity means the explanation of some material part of a member's speech which has not been understood or which contains incorrect assertions during the course of the debate but not once the debate has closed.

32.1.2 Any point of clarity shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of clarity shall not be permitted to address the Speaker for longer than 1 minute on such point of clarity;

32.1.3 Any member, whether he/she addressed the Council on the matter under debate or not, may rise/raise his/her hand on a point of clarity at the end of the debate.

32.1.4 A member contemplated in Rule 32.1.3, shall be entitled to be heard forthwith, and the member speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.

32.1.5 The ruling of the Speaker on the admissibility of a point of clarity shall be final and shall not be open to discussion.

## **33 PROCEDURAL MOTIONS**

33.1 When a matter is under discussion at any meeting of the Council, no further debate must be allowed if any of the following procedural motions are accepted:

- 33.2 that consideration of the matter be adjourned and resumed at a time determined by the Council;
- 33.3 that the meeting of the Council be adjourned and reconvened at a time determined by the Speaker;
- 33.4 that the matter be referred back to a Committee with reasons therefor.

#### **34 MEETINGS OPEN TO THE PUBLIC AND MEDIA**

- 34.1 The Council must conduct its business in an open manner and may close its meetings only when it is reasonable to do so, having regard to the nature of the business transacted.
- 34.2 Notwithstanding the provisions of Rule 34.1, the Council may not exclude the public, including the media, when considering or voting on any of the following matters:
  - 34.2.1 a draft By-law;
  - 34.2.2 the Budget;
  - 34.2.3 the draft Integrated Development Plan, or any amendments of the Plan; and
  - 34.2.4 the Municipality's draft Performance Management Systems, or any amendments of the System.

#### **35 INVITATION TO ADDRESS COUNCIL**

The Speaker may, in his discretion, invite any person or persons to address any meeting of the Council.

#### **36 DRESS CODE**

- 36.1 All Councillors and City Officials, as representatives of Council, must at all times when attending any Council meeting, dress appropriately to portray a professional and corporate image in terms of the Dress Code Policy. Clothing with political insignia is not considered appropriate and is therefore not to be worn when attending such meetings.

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**NOTE:** THESE RULES OF ORDER MAY BE REVIEWED ANNUALLY OR AS REGULARLY AS DEEMED APPROPRIATE. AMENDMENTS TO THESE RULES OF ORDER ARE SUBJECT TO APPROVAL BY THE MUNICIPAL COUNCIL AND WILL BE APPLICABLE FROM DATE OF APPROVAL UNTIL AMENDED BY THE MUNICIPAL COUNCIL. THE APPROVED RULES OF ORDER WILL BE PUBLISHED ON THE MUNICIPAL WEBSITE TO PROMOTE AWARENESS TO ALL STAKEHOLDERS.